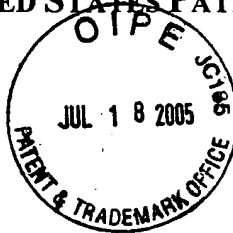


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Daryn KENNY et al.

Serial No.: 09/872,493

Filing Date: June 1, 2001



Confirmation No.: 9458

Group Art Unit: 1634

Examiner: Jeanine Anne GOLDBERG

Title: HIGHLY SENSITIVE GENE DETECTION AND LOCALIZATION USING IN SITU  
BRANCHED-DNA HYBRIDIZATION

DECLARATION UNDER 37 C.F.R. § 1.131  
INVENTOR LU PING SHEN

I, Lu Ping Shen, declare:

1. I am an inventor of the patent application identified above. At the time of the present invention I was employed by Bayer Corporation and I am still employed by Bayer Corporation.

2. I have read the Antao et al. reference and fully understand its contents (Antao et al., *In Situ Hybridization Using the bDNA Technology*, TECHNIQUES IN QUANTIFICATION (Patterson ed., Birkhauser Boston, January 21, 2000)).

3. I have read the Declaration of Daryn Kenny, I have viewed the unredacted pages of the laboratory notebook referenced therein, I agree with the statements made in the Declaration of Daryn Kenny, and I can confirm that the present invention predates the January 21, 2000, publication date of the Antao et al. reference.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the instant application or any patent issuing thereon.

Dated: March 07, 2005

A handwritten signature in cursive script that reads "Lu Ping Shen".

Lu Ping Shen, Ph.D.